



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

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Public Notice No. **04-15**

Date: **March 5, 2004**

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Application No. **2003-01377**

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
(Attn: Kathleen J. Kuna)  
3701 Bell Road, Nashville, TN 37214  
kathleen.j.kuna@usace.army.mil

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**AND**  
**STATE OF ALABAMA**

**SUBJECT:** Proposed Deposit of Fill Material into and Excavation of Wetlands for the construction of the Lake Forest Subdivision in Huntsville, Madison County, Alabama

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, the Alabama Department of Environmental Management, pursuant to Section 401(a) (1) of the CWA, must provide certification that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:**           **Gulf Coast Development, LLC**  
                              **8075 Madison Blvd., Suite 112**  
                              **Madison, AL 35758**  
                              **(256) 533-1155**

**LOCATION:** Wetlands adjacent to Betts Spring Branch Mile 1.63, South of US Hwy. 565, west of Zierdt Road and south of Lady Ann Lake. Betts Spring Branch is a tributary of Barren Fork Creek, a tributary to the Tennessee River at Mile 321.0, Right Bank. USGS Quad Map Madison, AL; Latitude N34° 39' 38.1', Longitude W86° 43' 44.3"

**DESCRIPTION:** The proposed action is the deposit of fill material into 4.76 acres of wetlands and the excavation of 4.16 acres of additional wetlands for the construction of two road crossings and a lake. A wetland delineation, prepared by Qore Property Sciences of Huntsville, AL, was submitted with the permit application. The Corps of Engineers verified the findings of the delineation by letter dated October 20, 2003. There are 104.6 acres of jurisdictional wetlands on the property that are hydrologically connected to the Wheeler National Wildlife Refuge via Betts Spring Branch.

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The applicant proposes to mitigate for the loss of the 8.92 acres of wetlands by creating 10.58 acres of on-site wetlands adjacent to the existing wetland system and by placing an additional 88.84 acres of wetlands and 20.58 acres of upland buffers (total of 109.42 acres) into a conservation easement to be held by the City of Huntsville in the Greenway and Open Space Plan for long-term protection. Hydric soils from the excavated wetland will be placed in the created wetland to promote the growth of hydrophytic plant life. Additional plantings and upland islands would be included to provide wildlife habitat. Plans of the proposed work are attached to this notice. Multiple bottomless culverts under the new road crossings would maintain hydrology to both Betts Spring Branch and the new lake. Crossings will be located along the existing farm road.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

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The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service - Atlanta.

Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

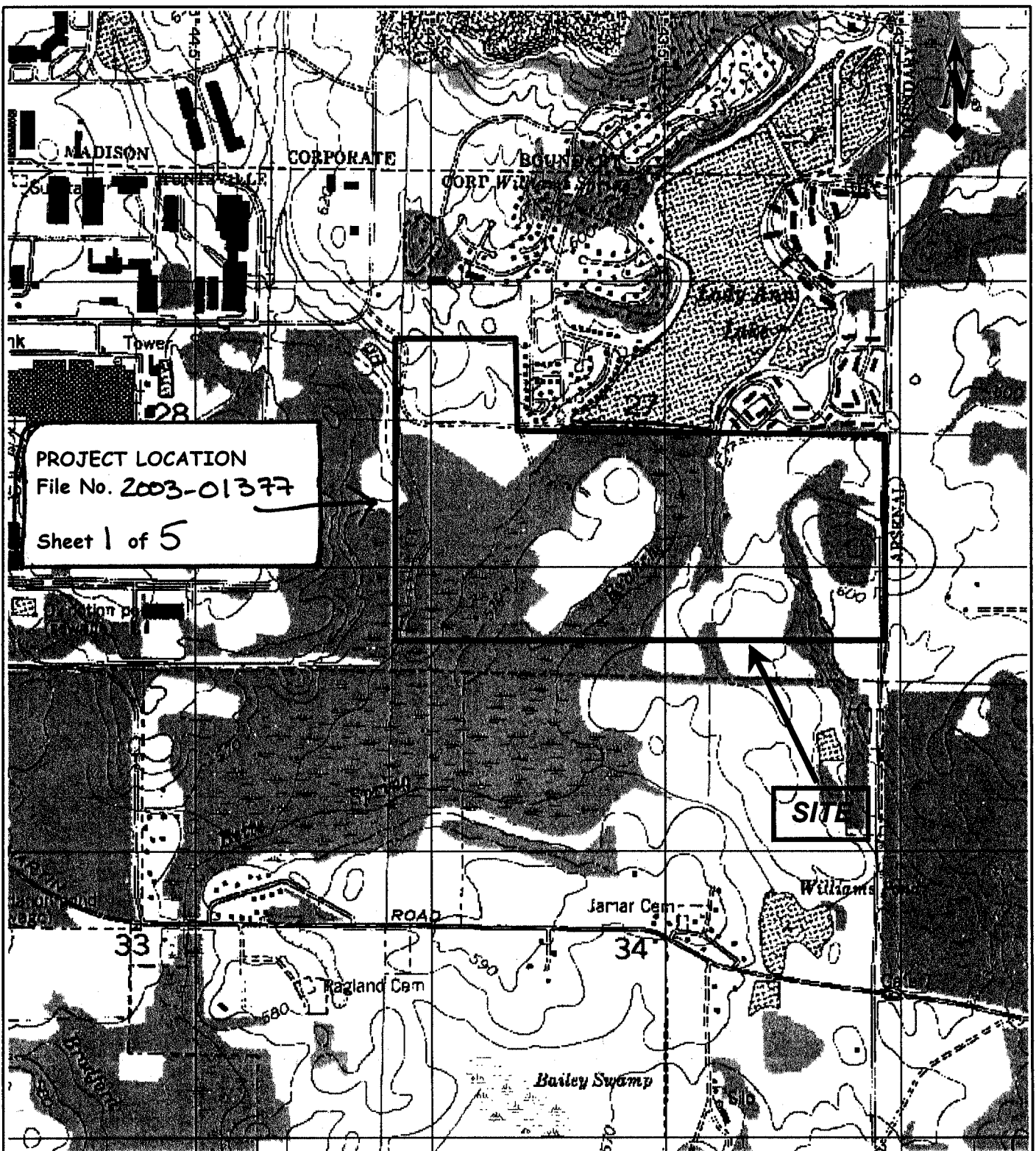
Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Alabama Department of Environmental Management (ADEM) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Written statements received in this office on or before April 5, 2004 will become a part of the record and will be considered in the determination.** Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506.

It is not necessary to comment separately to ADEM since copies of all comments will be sent to them and will become part of their record on the proposal. However, if comments are sent to ADEM can be sent directly to Mitt Walker, P.O. Box 301463, Montgomery, AL 36130, telephone (334) 394-4302.



SOURCE: DELORME TOPOQUADS, 1999.

QUAD: MADISON, ALABAMA

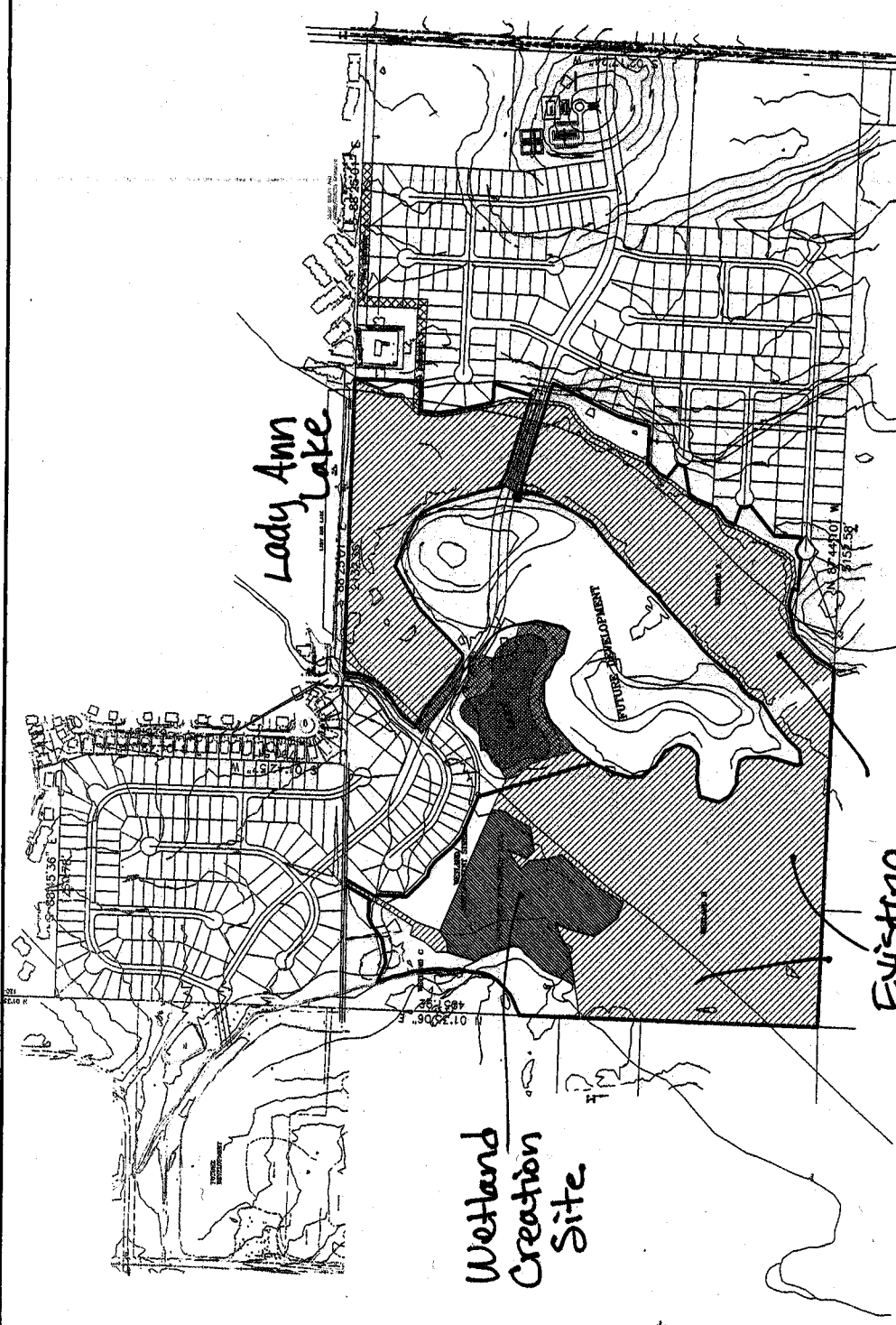
NOT TO SCALE

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**DECATUR, ALABAMA**

**SITE LOCATION AND AREA TOPOGRAPHIC MAP**  
PROPOSED LAKE FOREST DEVELOPMENT  
MADISON, MADISON COUNTY, ALABAMA  
QORE PROJECT NO. 9918A



- WETLAND AREAS
- PROPOSED MITIGATION AREA
- PROPOSED FILL AREA

PROPOSED CONSERVATION EASEMENT BOUNDARY

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Existing  
Wetland

Wetland  
Creation  
Site

Lady Ann  
Lake

File No.

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**OOORE PROPERTY SCIENCES**  
4814 COMMERCIAL DRIVE  
HUNTSVILLE, ALABAMA 35816

SITE PLAN

JOB NO: 9918A

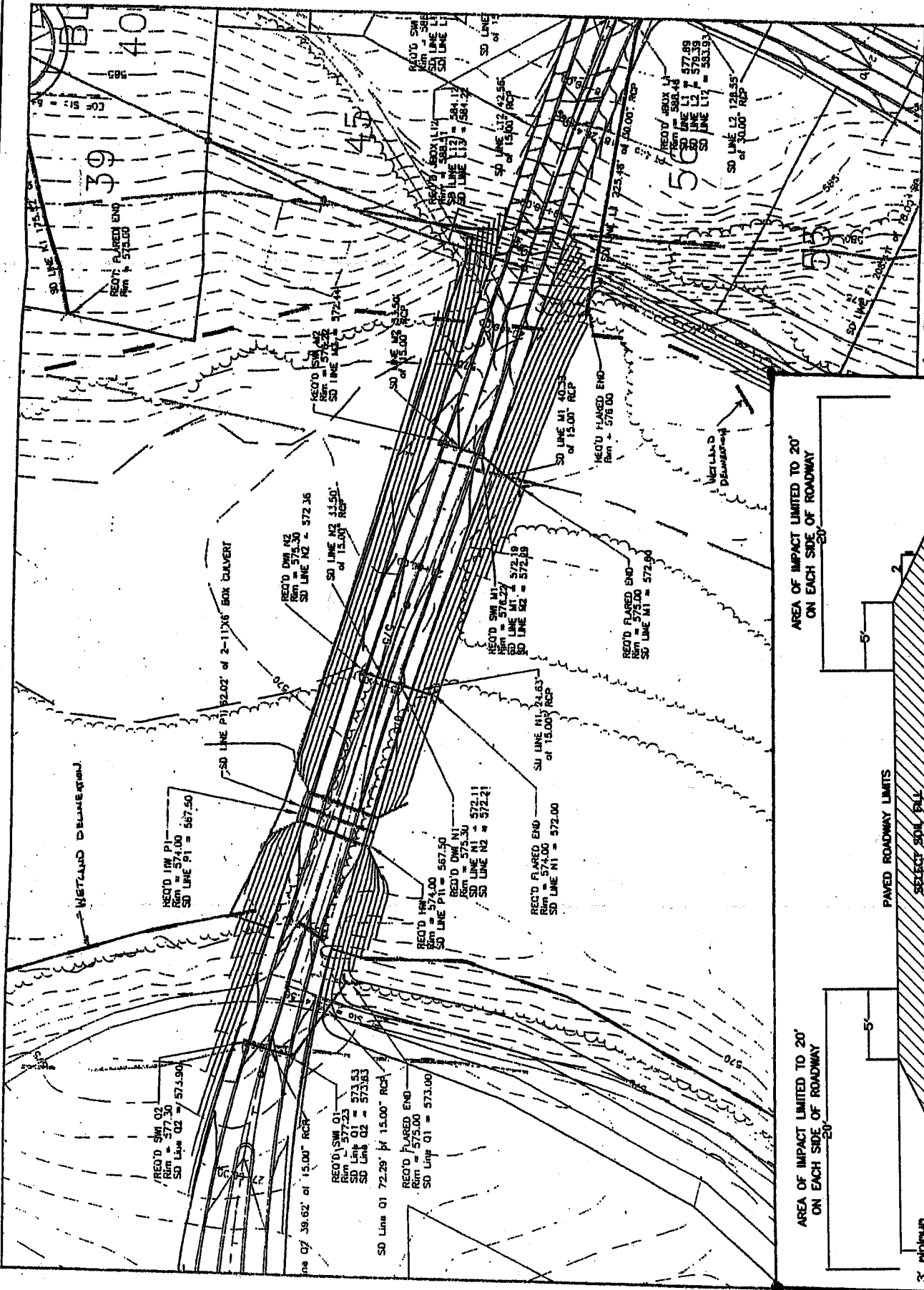
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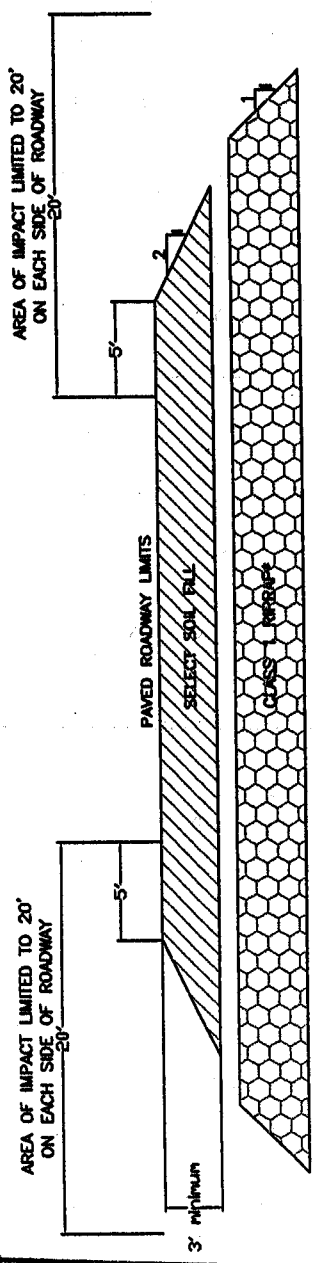
PROPOSED LAKE FOREST DEVELOPMENT  
ZERBY ROAD  
HUNTSVILLE, MADISON COUNTY, ALABAMA





PROJECT LOCATION

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\* RIPRAP TO BE PLACED TO EXTEND 6 TO 12 INCHES ABOVE WATER LEVEL

